

REMARKS

Applicants would like to thank Examiner and Primary Examiner for the interview granted on January 23, 2003. Applicants also thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Claims 29 through 42 were presented for examination and were pending in this application. In an Office Action dated November 19, 2002, claims 29 through 42 were rejected. Applicants herein amend claims 29 through 36. No claims have been cancelled or added. Applicants now request reconsideration and allowance of claims 29 through 42.

Response to Claim Rejection Under 35 USC § 112

In the second through fifth paragraphs of the Office Action, Examiner rejected claims 29 through 42 under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention and that an essential element regarding operation was missing. In response, Applicants have amended independent claims 29 and 36 to explicitly set forth a limitation previously inferred.

In particular, Applicants have amended claim 29 to now recite, *inter alia*, "in response to an operational failure within the detector device, allowing the plurality of request signals to pass uninterrupted between the first device and the second device." Similarly, claim 36 has been amended to now recite, *inter alia*, "in response to an operational failure within the detector device, allowing the data signals to pass uninterrupted between the resources on the network."

As discussed with Examiner and Primary Examiner, Applicants' amendment to these claims clarifies that signals between devices or resources, that pass through the detector device, may continue to do so when there is a failure within the detector device. Hence, the claimed method allows passage of signals between devices or resources in the event of a failure within

that detector device. Therefore, the claimed invention beneficially allows for a method of controlling access to devices or resources on a network through a detector device in which that detector device does not introduce a potential point of failure within that network. Applicants respectfully submit that no new matter is added and that support for the amendment is found in the specification at, for example, pages 4, 5, and 11.

Applicants have also amended claims 29 and 36 to broaden the scope of protection to which they believe they are entitled. For example, Applicants have amended claim 29 to now recite “comparing a predetermined parameter” rather than comparing a predetermined value, where parameter would include, but would not be limited to, a value. Applicants submit that no new matter is made by such amendments and that support for the amendment may be found in the specification at, for example, pages 5, 6 and 14 through 17 (including associated Figures).

In view of the amendments to independent claims 29 and 36, Applicants respectfully submit that the basis of the rejection to claims 29 through 42 is now obviated because the claimed invention now satisfies the requirements for 35 USC § 112, first paragraph. Applicants request reconsideration and allowance of claims 29 through 42.

Response to Claim Rejections 35 USC § 103(a)

In the sixth through eighth paragraphs of the Office Action, Examiner rejected claims 29 through 31, 36 through 38, and 42 under 35 USC § 103(a) as being unpatentable over U.S. Patent Number 6,438,125 to Brothers et al. (“Brothers”) in view of U.S. Patent Number 6,343,284 to Ishikawa et al. (“Ishikawa”). This rejection is respectfully traversed.

For purposes of each of discussion, reference is made to representative claim 29. Claim 29 recites a method for use in a detector device for controlling access to information on a network including a plurality of interconnected devices, the detector device coupled to the network between a first device and a second device, in which the method includes, *inter alia*,

monitoring a plurality of request signals for data between the first device and the second device in the network, at least one request signal including a user identification parameter;

determining whether a user identified by the user identification parameter in the request signal is permitted access to the data;

comparing a predetermined parameter associated with the user with a pre-determined parameter associated with the data to determine permission to access the data; and

in response to the comparison, providing a response to the request signal; and

in response to an operational failure within the detector device, allowing the plurality of request signals to pass uninterrupted between the first device and the second device.

The claimed invention beneficially allows for controlling access to resources on a network through a detector device that does not provide a point of failure in the network if there is an operational failure within the detector device. Hence, signals continue to move in the network between resources without introduction of errors or the like in the event of an operational failure within the detector device.

As discussed with Examiner and Primary Examiner, neither Brothers nor Ishikawa disclose or suggest Applicants' claimed invention. Brothers discloses a method and apparatus for redirecting web requests on a TCP/IP network. *Brothers*, Abstract. In Brothers, a predetermined criterion causes the web monitor either to respond to the client/subscriber with an action other than which was intended by the user, or the data traffic is relayed to a destination originally intended by the user. *Id.*, 2:21-24. That is, Brothers discloses that the web traffic monitor either provides replacement web pages or redirects requests. *See also, Id.*, 4:25-5:12. Unlike the claimed invention, this process specifically introduces a point of failure within the network because if the web monitor fails, the request/response process fails and the signal ends. Thus, Brothers fails to disclose Applicants' claimed invention.

Moreover, Ishikawa does not resolve the deficiencies of Brothers. Ishikawa discloses a system in which a card management server 300 must authenticate a terminal 100 seeking to

access a content server 200. *Ishikawa*, 9:10-20; Fig. 4. The “card management server 300 [that] authenticates and bills [a] prepaid card upon receipt of a request from the content server 200.” *Id.*, 9:20-22. However, the configuration of the *Ishikawa* system provides a point of failure within the network because if the card management server 300 does not operate, the terminal 100 cannot access the content server 200. Hence, unlike the claimed invention, the card management server 300 provides a point of failure within the network. Therefore, *Ishikawa* also fails to disclose Applicants’ claimed invention.

Nor is there any suggestion, motivation or teaching to combine *Brothers* and *Ishikawa* in a manner that would yield Applicants’ claimed invention. Assuming, *arguendo*, that the references could be combined, at best it merely yields a web monitoring system that serves as an authentication and billing gateway to a server. However, unlike the claimed invention, there still is a point of failure within a network. Thus, Applicants respectfully submit that claims 29 through 31, 36 through 38, and 42 are patentably distinguishable over the cited references, both alone and in combination. Applicants respectfully submit that the basis of the rejection to these claims is obviated and request reconsideration and allowance of these claims at this time.

In the sixth and ninth paragraphs of the Office Action, Examiner rejected claims 32, 35, 39, and 40 under 35 USC § 103(a) as being unpatentable over *Brothers* in view of *Ishikawa* as applied to claims 29 and 36, and further in view of U.S. Patent Number 6,272,535 to *Iwamura et al.* (“*Iwamura*”). This rejection is respectfully traversed.

These claims further recite additional novel and nonobvious features that include providing a particular response to a request based on a comparison of values of the request signal and the data to be accessed. The combination of cited references does not disclose, suggest or teach the claimed invention. Because *Brothers* and *Ishikawa*, either alone or in combination, do

not disclose Applicants' claimed invention, the addition of Iwamura does not resolve the deficiencies of the independent base claims nor the added features of the dependent claims.

Iwamura discloses an "accounting apparatus [that] has a money input by which a user can input an amount of money into the apparatus" *Iwamura*, Abstract. More particularly, the terminal system in Iwamura allows a user to be charged for services or get a credit towards using services. *Id.*, 2:36-3:20; 4:1-55; Fig. 2. However, as with Brothers and Ishikawa, the terminal system in Iwamura also introduces a point of failure within the network.

In contrast, Applicants' claimed invention allows for controlling access to data or other network resources through a detector device that allows requests to continue through in the event of a failure within it. Hence, the claimed invention does not introduce a point of failure in the network. Thus, Applicants respectfully submit that the combination of Brothers, Ishikawa, and Iwamura does not disclose Applicants' claimed invention of claims 32, 35, 39, and 40. Therefore, Applicants respectfully request reconsideration of the basis for the rejection to these claims and requests allowance of these claims.

In the sixth and tenth paragraphs of the Office Action, Examiner rejected claims 33, 34, and 41 under 35 USC § 103(a) as being unpatentable over Brothers in view of Ishikawa as applied to claims 29 and 36, and further in view of Iwamura and "Some FAQs about Usage-Based Pricing" ("Pricing"). This rejection is respectfully traversed.

Representative claim 33 depends from independent claim 29 and recites the "predetermined parameter is one from a group comprising a positive monetary value, a positive time value, a bandwidth value, a quality of service value, and a content rating." Further, claim 34 depends from claim 33 and recites "allowing access to one from a group comprised of voice data, video data, and a real-time application in response to at least one of the bandwidth value or quality of service value being greater than or equal to a threshold parameter." These claimed

features are not disclosed, suggested, or taught by any of the cited references, either alone or in combination.

The deficiencies of Brothers, Ishikawa, and Iwamura were previously discussed and the reasons set forth above regarding the deficiencies of these cited references apply here as well. In addition, Pricing does not resolve the deficiencies of the combination of the other cited references. Pricing discloses associating data packets with a particular value and then ranking packets and transmitting them based on that value. *Pricing*, p. 5. However, this is not what Applicants claim. Applicants' claimed invention includes a process for determining access to particular data based on a comparison within a detector system of values of the data. Moreover, as with the other cited references, Pricing also fails to address the issue of being a point of failure within the network. Hence, Pricing also does not disclose Applicants' claimed invention, either alone or in combination. Therefore, Applicants respectfully request reconsideration of the basis for the rejection to claims 33, 34, and 41 and request allowance of these claims.

Conclusion

In sum, Applicants respectfully submit that claims 29 through 42, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of these claims.

In addition, Applicants once again thank Examiner and Primary Examiner for the in person interview granted on January 23, 2003. Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

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Conclusion

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RESPECTFULLY SUBMITTED,
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